



IPW

Docket No.: 1572.1102

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Chang-nyeun KIM et al.

Serial No. 10/614,091

Group Art Unit: 3744

Confirmation No. 8368

Filed: July 8, 2003

Examiner: Tanner, Harry B.

For: USER-INTERACTIVE REFRIGERATOR AND CONTROL METHOD THEREOF

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This is responsive to the Office Action mailed October 5, 2004, having a shortened period for response set to expire on November 5, 2004, the following remarks are provided.

I. Provisional Election of Claims Pursuant to 37 CFR §1.142

Applicants provisionally elect **Group 1 (claims 1-13)** in response to the preliminary restriction requirement set forth in the Office Action.

II. Applicants Traverse the Requirement

Insofar as Group II is concerned, it is believed that claims 14-23 are so closely related to elected claims 1-13 that they should remain in the same application. The elected claims 1-13 are directed to a refrigerator having a cooling compartment and claims 14-23 are drawn to a method of inputting health information on a user into a refrigerator. There have been no references cited to show any necessity for requiring restriction and, in fact, it is believed that the Examiner would find references containing both method and product claims in the same field of technology. While it is noted that the Examiner has identified different classifications for the product and method claims, it is believed that classification is not conclusive on the question of restriction. It is believed, moreover, that evaluation of both sets of claims would not provide an undue burden upon the Examiner at this time in comparison with the additional expense and delay to Applicants in having to protect the additional subject matter recited by the Group II

claims by filing a divisional application.

MPEP §803 sets forth the criteria for restriction between patentably distinct inventions. (A) indicates that the inventions must be independent (see MPEP §802.01, §806.04, §808.01) or distinct as claimed (see MPEP §806.05-806.05(i)); and (B) indicates that there must be a serious burden on the Examiner if restriction is required (see MPEP §803.02, §806.04(a)- §806.04(i), §808.01(a) and §808.02). The Examiner has not set forth why there would be a serious burden if restriction is required.

III. Conclusion

Upon review of references involved in this field of technology, when considering that the method recited by the Group II claims is directed to method of inputting health information on a user into a refrigerator, and elected claims 1-13 are directed to a refrigerator having a cooling compartment comprising: a memory storing user data about a user and food item data on food items stored in the cooling compartment; a user recognition device recognizing a present user; a controller reading the food item data corresponding to the user data relevant to the present user recognized by the user recognition device from the memory; and a display displaying the food item data read by the controller, and when all of the other various facts are taken into consideration, it is believed that upon reconsideration of the Examiner's initial restriction requirement, all of the pending claims should be examined in the subject application.

It is noted that the Examiner has stated that claims 24-31 (claims directed to a user-interactive refrigerator having a cooling compartment) will be examined along with the claims of the elected group.

In view of the foregoing amendments, arguments and remarks, all claims are deemed to be allowable and this application is believed to be in condition for allowance.

If any further fees are required in connection with the filing of this Amendment, please charge the same to our deposit account number 19-3935.

Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney.

Respectfully submitted,

STAAS & HALSEY LLP

Date: November 2, 2004

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